

# Alaska Water Quality Standard Projects

## Quarterly Status Report –December 11, 2013

### 1. Adoption of Antidegradation Implementation Methods

**DEC Lead: Earl Crapps**

**EPA Lead: Bill Beckwith**

**Activity:**

- EPA comments received 11/26/13.
- A final workgroup meeting is on hold until the draft regulations are complete.

**Next Steps/Schedule**

- Public notice of regulations prior to 12/31/13.
- 60 day public notice (late February)
- Compile comments and edit draft response document for submission with final package.

**Decision required:** Formal EPA comments on proposed antidegradation regulations.

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### 2. Resolve Issues Delaying EPA Approval of Mixing Zone Guidance by EPA (Division and CO priority)

**DEC Lead: Brock Tabor**

**EPA Lead: Bill Beckwith (mitigation), Kathleen Collins (concurrent flow, ESA consultation)**

**Activity:**

- Mitigation:
  - DEC is completing internal review of guidance document to send to EPA for comments.
- Concurrent Flow:
  - DEC has developed a short set of “guidelines”. Currently under internal review for approval prior to EPA consideration.
- EPA Staffing: Kathleen Collins (KC) assigned to work on concurrent flow issue and ESA consultation. KC was not able to provide any additional information or a potential date for completion (per 11/18 email)
  - Per KC: “There is only one aspect of consultation remaining and that is an analysis for the Beluga whale; a request letter does not need to be sent; EPA needs to update the BE and send it to the Services...”

**Challenges:**

1. Mitigation
  - a. Determining how the guidance document(s) will be revised to resolve issues associated with spawning area regulatory language associated with mitigation (internal as well as EPA issue).
2. Concurrent Flow

- a. Determining whether the “guidelines” meet the needs of both DEC and EPA
3. ESA Consultation
  - a. EPA completing ESA consultation process concurrent to review of revisions of MZ regulations/guidance.
4. EPA may change the lead staff on the mixing zone project. This will require new person to develop new understanding of the project’s background and challenges.

**Next Steps/Schedule:**

- Convey to EPA the first draft of concurrent flow “guidelines” for their consideration (est. 12/31)

**Decision required:**

- DEC Commissioner approval to send EPA draft revised mitigation guidance and draft concurrent flow guidelines
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**3. Monitor and Assist EPA Review of Residues Criteria (Division and CO priority)**

**DEC Lead: TBD**

**EPA Lead: TBD**

**Activity:**

- Staff spoke with EPA on 6/11 about this project. EPA Staff have not yet been formally assigned to this project.

**Next Steps/Schedule:**

- Check whether EPA will assign staff to this review at quarterly meeting. (12/11/13)

**Decision required:** EPA staff assignment to review Alaska WQS submittal.

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**4. Evaluate options for revisions to Human Health Criteria (HHC): (Division and CO priority)**

**DEC Lead: Brock Tabor**

**EPA Lead: TBD**

**Activity:**

- DEC is working to complete a draft HHC review strategy document and communication plan for public outreach and participation.
- DEC briefed the Commissioner Office on Sept. 23. The CO requested coordination with State fish consumption advisory staff in DEC Environmental Health (EH) Div. and HSS Public Health.
- DEC WQS met with DEC EH and HSS staff on Oct. 29 to review HHC review plans and request their review and comment.

**Next Steps**

- Complete 2<sup>nd</sup> draft of strategy document for state agency review (12/31/13)

**Decision Needed:**

- DEC Commissioner approval of HHC review strategy and communication plan.
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**5. Chuit River Basin Site Specific Criteria**

**DEC Lead: Brock Tabor**

**EPA Lead: Bill Beckwith**

**Activity:**

- Met with EPA/PacRim and discussed the state of the project on 10/28
- Downstream Protection: Issue raised by EPA in informal comments
  - Spoke with PacRim about loading issues associated with high concentrations of aluminum in Chuitna River. Spoke with EPA about the issue and potential to apply natural conditions tool in the Chuit River to address background loading issues.
  - Received comments from EPA on Downstream Protection. EPA is ok with the proposed Downstream Protection language but would like to see Downstream Protection written into SSC regulation at 18 AAC 70.230 rather than having it in the Decision Document.
  - Brock shared draft template narrative language originally developed by EPA HQ with EPA Region 10 Staff for inclusion in documents to address Downstream Protection Comments
  - DEC/PacRim determined that a “TMDL” approach that defines background concentrations would be the best way to quantify the current load and assimilative capacity

**Challenges:**

- Addressing naturally high concentrations of aluminum in the Chuit River and how they may compromise SSC when considering downstream protection
- Resolving EPA disagreement with DEC’s interpretation of the mixed metals confirmation WERs

**Next Steps/Schedule:**

- Incorporate additional supporting data requested from PacRim/TetraTech and continue to revise decision documents to address EPA comments on mixed metals results (2/1/14)
- Determine whether it is appropriate to submit Downstream Protection language to be included in the Standard Methods regulatory package or submitted separately.

**Decision Needed:** None at this time.

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## 6. Girdwood/Glacier Creek Site Specific Criteria

**DEC Lead: TBD**

**EPA Lead: TBD**

**Activity:**

- The final WER report has been completed and Brock is reviewing WER data and report.
- Girdwood WWTP collected site water samples in November and early December 2012. AWWU's contractor (TetraTech) is currently drafting the sampling report for DEC review.
- DEC met with AWWU and TetraTech to review site information and data, to give overview of WER report and to discuss next steps.

**Challenges: TBD**

**Next Steps/ Schedule:**

- Request EPA staff to review WER report to determine if additional information is needed (1/15/14)
- Establish "realistic" timeline (1/31/13)
- Review WER report and data associated with this project (2/15/14)

**Decision required?** EPA staff assignment to review WER report.

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## 7. Update to Standard Analytical Methods and Downstream Protection

**DEC Lead: TBD**

**EPA Lead: TBD**

**Activity:**

- DEC has drafted regulation revisions adopting analytical methods in Alaska WQS that were approved in 2012 Federal Register for CWA purposes. Currently under internal review.
- DEC has drafted regulation revisions to add specific requirements for downstream protections to the section on site specific criteria.

**Challenges:**

- Does it make sense for the Downstream Protection clarification language to be added to the Standard Analytical Methods package? Will this action slow down or cause any sort of conflict during the review process?
- Since Alaska waters are not upstream of any other state or tribal WQS, site specific criteria and designated use boundaries are the only application of this issue.

**Next Steps/Schedule:**

- Open case with AG office and brief director (1/15/14)
- Public notice in early 2013.

**Decision Required:**

EPA review of draft regulations.

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**8. 2014-2016 Triennial Review**

**DEC Lead: Brock Tabor**

**EPA Lead: TBD**

**Activity:**

- DEC has prepared a public notice requesting public comment on WQS issues and priorities.
- DEC has compiled a list of potential issues and recommended priorities for the 2014-2016 Triennial Review that has been circulated for internal review by the Wastewater Discharge Authorization and Nonpoint Source Programs.
- A director's briefing has been scheduled for 12/11/13.

**Challenges:**

- Recent or upcoming national criteria (e.g. ammonia, selenium) have implementation issues that may delay state adoption.

**Next Steps/Schedule:**

- Public Notice tentatively scheduled for **early 2014**.

**Decision Required?**

- DEC Commissioner approval for public notice.
  - EPA comments on Alaska WQS issues list and priorities for 2014-2018.
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**9. Other**

**EPS III Recruitment:** DEC expects to hire for the vacant position by 12/15. Brock will remain the default Alaska WQS contact.